

<p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS (Marshall Division)</p> <p>GOOGLE, INC. v. BENEFICIAL INNOVATIONS, INC. v. ADVANCED PUBLICATIONS, INC., et al. Case Number: 2:11-cv-229-JRG-RSP</p> <p>THIRD-PARTY PLAINTIFF GOOGLE, INC.'S THIRD AMENDED EXHIBIT LIST (January 9, 2014)</p>						
PRESIDING JUDGE			PLAINTIFF'S ATTORNEY		DEFENDANTS' ATTORNEY	
Hon. Rodney Gilstrap						
TRIAL DATE (S) January 13, 2014			COURT REPORTER		COURTROOM DEPUTY	
Google No.	Date Offered	Marked	Admitted	DESCRIPTION OF EXHIBITS	Bates Numbers	Beneficial's Objections
1				Settlement Agreement between Beneficial Innovations, Inc. and Google Inc.	GOOG-0002998- GOOG0003004; GOOG-0003018, GOOG-0002897	
2				Complaint for Patent Infringement [Docket #1]	(Almeroth Depo. Ex. 357)	Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]
3				First Amended Complaint for Patent Infringement [Docket #4]		Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]
4				Second Amended Complaint for Patent Infringement [Docket #89]		Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]

5				[Number not used] ¹		
6				[Number not used]		
7				[Number not used]		
8				Beneficial Innovations, Inc.'s Disclosure of Asserted Claims and Infringement Contentions	(Almeroth Depo. Ex. 358)	Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]
9				Supplemental Disclosure of Asserted Claims and Infringement Contentions Under Patent Rule 3-1	(Almeroth Depo. Ex. 359)	Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]
10				[Number not used]		
11				Beneficial's Claim Construction Brief [Docket #241] [Google seeks to use for impeachment only]		Relevance 402/Prejudice 403 [ruling under submission before Judge Payne]
12				Beneficial's Responses to Google's First Set of Interrogatories		
13				Beneficial's Responses to Google's First Set of Requests for Admission		
14				[Number not used]		

¹ Pursuant to the Parties' meet-and-confers process, Third-Party Plaintiff Google Inc. has withdrawn certain exhibits from its Initial Disclosure of Proposed Trial Exhibits. Google's withdrawal of such exhibits is subject to its right to use documents for impeachment only as appropriate, and to approach the Bench to seek permission from the Court to allow admission of any withdrawn exhibit. Google's withdrawal is also contingent upon Beneficial's agreement that it will not argue lack of notice or disclosure under such circumstances.

15				Supplemental Expert Report of Dr. Kevin Almeroth re Infringement by The New York Times of U.S. Patent Nos. 6,712,702 and 6,183,366 dated October 25, 2010 [Google seeks to use for impeachment only]	EX000987-EX001003	Relevance 402/ Prejudice 403 [may be used for impeachment; Google must approach the Bench to seek admission as evidence]
16				Exhibit B to Rebuttal Expert Report of Dr. Kevin Almeroth re Google's Complaint in Intervention (List of Materials Reviewed)		
17				Beneficial Innovations, Inc.'s Disclosure of Asserted Claims and Infringement Contentions, served July 18, 2008 in 2:07-CV-263 [Google seeks to use for impeachment only]	(Almeroth Depo. Ex. 356)	Relevance 402/ Prejudice 403 [may be used for impeachment only]
18				Beneficial Innovations, Inc.'s Amended Disclosure of Asserted Claims and Infringement Contentions, served September 10, 2008 in 2:07-CV-263 [Google seeks to use for impeachment only]		Relevance 402/ Prejudice 403 [may be used for impeachment only]
19				Beneficial Innovations, Inc.'s Second Amended Disclosure of Asserted Claims and Infringement Contentions, served October 27, 2009 in 2:07-CV-263 [Google seeks to use for impeachment only]		Relevance 402/ Prejudice 403 [may be used for impeachment only]
20				Beneficial Innovation Inc.'s Third Amended Disclosure of Asserted Claims & Infringement Contentions, served April 22, 2010 in 2:07-CV-263 [Google seeks to use for impeachment only]		Relevance 402/ Prejudice 403 [may be used for impeachment only]
21				Complaint for Patent Infringement (2:07-CV-555)	(Almeroth Depo. Ex. 354)	Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
22				Beneficial Innovations, Inc.'s Response to Google and YouTube's First Set of Interrogatories, served		Relevance 402/ Prejudice 403

				November 6, 2008 in 2:07-CV-555			[parties agree that response to Interrogatory No. 4 may be admitted]
23				Beneficial Innovations, Inc.'s Response to Defendants' First Set of Interrogatories (Nos. 1-7), served December 5, 2008 in 2:07-CV-555			Relevance 402/ Prejudice 403 [parties agree that responses to Interrogatory Nos. 5, 7 may be admitted]
24				[Number not used]			
25				[Number not used]			
26				Beneficial Innovations, Inc.'s Amended Response to Defendants' First Set of Interrogatories (Nos. 1-7), served November 6, 2009 in 2:07-CV-555			Relevance 402/ Prejudice 403 [parties agree that response to Interrogatory No. 5 may be admitted]
27				Complaint for Patent Infringement (2:09-CV-175)		(Almeroth Depo. Ex. 355)	Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
28				Beneficial Innovations, Inc.'s Amended Complaint for Patent Infringement (2:09-CV-175)			Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
29				US Patent No. 6,712,702 -- Goldberg		(Almeroth Depo. Ex. 353)	
30				US Patent No. 7,496,943 -- Goldberg		(Almeroth Depo. Ex. 352)	
31				May 20, 2011 letter regarding Indemnification Claim - Advance Publications			Hearsay 802/ Relevance 402/ Prejudice 403/

						Authenticity 901/ Rule 37 [Google contends that objections overruled pursuant to Order on Motion in <i>Limine</i>] [Beneficial contends that ruling is under submission before Judge Payne. See Rough Transcript pp. 62:11-75:3]
32				June 29, 2011 letter regarding Indemnification Claim for Advance Publications, Inc.; ALM Media Properties, LLC; American Media, Inc. and Autotrader.com Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Google contends that objections overruled pursuant to Order on Motion in <i>Limine</i>] [Beneficial contends that ruling is under submission before Judge Payne. See Rough Transcript pp. 62:11-75:3]
33				October 6, 2011 letter to Google regarding request for indemnification -- Demand Media, Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Objections sustained pursuant to Order on Motions in <i>Limine</i>]

34				June 7, 2013 letter to Google regarding indemnification of Demand Media, Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Objections sustained pursuant to Order on Motions in <i>Limine</i>]
35				August 23, 2013 letter to Google regarding indemnification of America Media, Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Objections sustained pursuant to Court's Order on Motion in <i>Limine</i>]
36				September 18, 2013 letter to Google re Indemnification of Advance Publications, Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Google contends that objections overruled pursuant to Order on Motion in <i>Limine</i>] [Beneficial contends that ruling is under submission before Judge Payne. See Rough Transcript pp. 62:11-75:3]
37				September 19, 2013 letter to Google re Indemnification of AutoTrader.com, Inc.		Hearsay 802/ Relevance 402/ Prejudice 403/

					Authenticity 901/ Rule 37 [Google contends that objections overruled pursuant to Order on Motion in <i>Limine</i>] [Beneficial contends that ruling is under submission before Judge Payne. See Rough Transcript pp. 62:11-75:3]
38				Adserver License Agreement -- DoubleClick, Inc. and AutoTrader.com, LLC	ATDR0005316- ATDR0005333
39				DoubleClick -- ADX Agreement -- Background Information	GOOG0002110- GOOG0002117
40				Google Services Agreement -- ALM Media LLC	GOOG0002126- GOOG0002134
41				Google Ad Reservation Service Agreement -- Demand Media, Inc.	GOOG0002135- GOOG0002148
42				Google Services Agreement -- Rodale Inc.	GOOG0002157- GOOG0002165
43				DoubleClick for Publishers -- Ad selection white paper	AM00001- AM00008 (Bellack Depo. Ex. 50)
44				DoubleClick for Publishers -- Generate ad tags	BEN0003804- BEN0003807 (Bellack Depo. Ex. 56)
45				DoubleClick for Publishers -- Targeting criteria	BEN0004257- BEN0004261
46				DoubleClick for Publishers -- Traffic and serve pop-up/pop-under and floating creatives to your site	BEN0004285

47				DoubleClick Enterprise -- Overview of ad serving models	SN002088-SN002090	
48				DoubleClick for Publishers -- Add targeting criteria to a line item	BEN0003715	
49				DoubleClick for Publishers -- How ads get onto your website	BEN0003815	
50				DoubleClick Rich Media -- Guide to Rich Media Innovation	GOOG0000054-GOOG0000057	
51				DoubleClick for Publishers -- Overview -- Break Down Barriers to Revenue	GOOG0000203-GOOG0000206	
52				DFP Small Business -- Create an ad unit	GOOG0000229-GOOG0000230	
53				DART for Publishers Spring 2005 User Group Recap and Roadmap	GOOG0000461-GOOG0000491	Relevance 402/ Prejudice 403/ [objections overruled]
54				DoubleClick -- Transforming the Platform -- Jonathan Bellack, April 16, 2009	GOOG-0000550-GOOG0000564	Relevance 402/ Prejudice 403/ [objections overruled]
55				DoubleClick -- Managing Growth	GOOG0000584-GOOG0000601	Relevance 402/ Prejudice 403/ [objections overruled]
56				DoubleClick -- Life of a Display Ad	GOOG0001734-GOOG0001749	
57				Intro to DoubleClick's Publisher Platforms: DART for Publishers and DART Enterprise	GOOG0000925-GOOG0000949	
58				DoubleClick -- Training, References & Tools	GOOG0002714-GOOG0002715	
59				DoubleClick Rich Media -- ad tag	BEN0003706	
60				DFP by Google -- Features and Benefits	BEN0003778-BEN0003779	

61					DFP Small Business -- Generate ad tags	BEN0003803- GOOG0003807	
62					DoubleClick for Publishers: Syntax for JavaScript, iframe, and image DART tags	BEN0004250- BEN0004254	
63					Spreadsheet identifying All DFP or Ad-serving products		
64					Third-Party Cookies vs. First-Party Cookies [Google seeks to use for impeachment only]		[may be used for impeachment only]
65					A study of Internet users' cookies and javascript settings [Google seeks to use for impeachment only]		[may be used for impeachment only]
66					Computing Practices -- Mosaic and the World-Wide Web		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
67					Proposed HTTP State-Info Mechanism	(Almeroth Depo. Ex. 365)	Hearsay 802/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
68					HTTP State Management Mechanism		Hearsay 802/ Authenticity 901 [learned treatise; may be read to jury but not admitted]
69					HTTP Cookies: Standards, Privacy, and Politics	(Almeroth Depo. Ex. 364)	Hearsay 802/ Authenticity 901

									[learned treatise; may be read to jury but not admitted]
70					Online Advertising History-- Flash by name, Cookies by Nature				Hearsay 802/ Relevance 402/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
71					State Wars, part XI (was: Revised Charter) by M. Hedlund				Hearsay 802/ Relevance 402/ Authenticity 901/ Rule 37 [Google contends that objections overruled; requires authentication] [Beneficial contends authentication objection sustained. See Rough Transcript, pp. 97:16-19]
72					Re: State Wars, part XI (was: Revised Charter) By K. Holtman				Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [Google contends that objections overruled; requires authentication] [Beneficial contends authentication objection sustained. See Rough Transcript, pp. 97:16-19]

73				JavaScript: The Definitive Guide, Sixth Edition, 2011		Hearsay 802/ Relevance 402/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
74				Third-Party JavaScript		Hearsay 802/ Relevance 402/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
75				Internet World Guide to Maintaining and Updating Dynamic Web Sites		Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
76				Persistent Client State HTTP [Google seeks to use for impeachment only]	(Almeroth Depo. Ex. 362)	[may be used for impeachment only]
77				Screenshots of www.nytimes.com showing Document Object Model		Hearsay 802/ Authenticity 901 [No objection to use for demonstrative purposes only] [objections overruled]
78				Internet Archives.org at http://web/20000229035814/http://newcareerpath.com/? (Feb. 29, 2000)		Hearsay 802/ Relevance 402/ Authenticity 901/

							Rule 37 [No objection to use for demonstrative purposes only] [objections overruled]
79						[Number not used]	
80						[Number not used]	
81						[Number not used]	
82						US Patent No. 5,774,670 -- Montulli	(Almeroth Depo. Ex. 363)
83						Computer Networks, Third Edition, Andrew S. Tanenbaum, Vrije Universiteit, Amsterdam, The Netherlands, Prentice-Hall of India, New Delhi 2000.	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [learned treatise; may be read to jury but not admitted]
84						Compilation of Fee Statements	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [objections sustained pursuant to Order on Motion in <i>Limine</i>]
85						Supplemental Compilation of Fee Statements	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/

							Rule 37 [objections sustained pursuant to Order on Motion <i>in Limine</i>]
86						Summary Exhibit of Fee Statements	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [objections sustained pursuant to Order on Motion <i>in limine</i>]
87						Supplemental Summary Exhibit of Fee Statements	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901/ Rule 37 [objections sustained pursuant to Order on Motion <i>in limine</i>]
88						Beneficial Innovations, Inc.'s Responses to Defendants' First Set of Common Interrogatories (7/17/13 Goldberg Depo Ex. 1002)	
89						People v. Goldberg, 770 P.2d 408 (1989) (7/17/13 Goldberg Depo Ex. 1010)	Hearsay 802/ Relevance 402/ Prejudice 403/ Authenticity 901 [subject to Order on Agreed Motion <i>in Limine</i>]
90						Declaration of Sheldon Goldberg in support of Amazon.com, Inc.'s Motion for Summary Judgment Limiting Plaintiff's Damages Claim, dated November 4, 2013 [Docket #403-6]	[may be used for impeachment only]

					[Google seeks to use for impeachment only]						
91					Settlement and Patent License Agreement between Beneficial Innovations, Inc. and Blockdot, Incorporated [Docket #387-5] [Google seeks to use for impeachment only]				BEN0004351- BEN0004365	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	
92					Settlement and Patent License Agreement between Beneficial Innovations, Inc. and The Weather Channel Interactive, Inc. [Docket #387-6] [Google seeks to use for impeachment only]				BEN0004315- BEN0004333	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	
93					Settlement and Patent License Agreement between Beneficial Innovations, Inc. and Washingtonpost.Newsweek Interactive Company, LLC [Docket #387-7] [Google seeks to use for impeachment only]				BEN0004334- BEN0004350	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	
94					Confidential Settlement, Release and License Agreement between Beneficial Innovations, Inc. and AOL LLC [Docket #387-8] [Google seeks to use for impeachment only]				BEN0004382- BEN0004397	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	
95					Patent License, Release and Settlement Agreement between Beneficial Innovations, Inc. and CareerBuilder LLC [Docket#387-9] [Google seeks to use for impeachment only]				BEN0004366- BEN0004381	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	
96					Patent License, Release and Settlement Agreement between Beneficial Innovations, Inc. and Yahoo! Inc. [Docket #387-10] [Google seeks to use for impeachment only]				BEN0004453- BEN0004469	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]	

97				Confidential Settlement, Release and License Agreement between Beneficial Innovations, Inc. and CBS Interactive, Inc. [Docket #387-11] [Google seeks to use for impeachment only]	BEN0004300- BEN0004314	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
98				Confidential Settlement, Release and License Agreement between Beneficial Innovations, Inc. and Jabez Networks, Inc. [Docket #387-12] [Google seeks to use for impeachment only]	BEN0004409- BEN0004423	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
99				Settlement and Patent License Agreement between Beneficial Innovations, Inc. and Digg Inc. [Docket #387-13] [Google seeks to use for impeachment only]	BEN0004398- BEN0004408	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
100				Confidential Settlement, Release and License Agreement between Beneficial Innovations, Inc. and Tribune Interactive, Inc. [Docket #387-14] [Google seeks to use for impeachment only]	BEN0004438- BEN0004452	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
101				Settlement and Patent License Agreement between Beneficial Innovations, Inc. and The Dallas Morning News, Inc. [Docket #387-15] [Google seeks to use for impeachment only]	BEN0004424- BEN0004437	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
102				Settlement and Patent License Agreement between Beneficial Innovations, Inc. and Facebook, Inc. [Docket #387-16] [Google seeks to use for impeachment only]	BEN0004287- BEN0004299	Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
103				Settlement and Patent License Agreement between Beneficial Innovations, Inc. and The New York Times Company [Docket #387-18]	BEN0001998- BEN0002015	Relevance 402/ Prejudice 403 [objections sustained;

					[Google seeks to use for impeachment only]				Google must approach Bench prior to use]
104					Settlement Agreement between Beneficial Innovations, Inc. and Morris Communications Company, LLC [Docket #387-19] [Google seeks to use for impeachment only]		BEN0001980- BEN0001997		Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
105					Settlement and Patent License Agreement between Beneficial Innovations, Inc. and Comcast Corporation [Docket #387-20] [Google seeks to use for impeachment only]		BEN0001966- BEN0001979		Relevance 402/ Prejudice 403 [objections sustained; Google must approach Bench prior to use]
106					Google Inc.'s Notice of 30(b)(6) Deposition to Beneficial Innovations, Inc. dated January 29, 2013 [Google seeks to use for impeachment only]				[may be used for impeachment only]
107					Initial Expert Report of Dr. Kevin Almeroth re infringement of U.S. Patent Nos. 6,712,702 and 6,183,366 dated September 1, 2010		EX000441- EX000670		Relevance 402/ Prejudice 403 [Google may use for impeachment; agrees to approach Bench prior to seeking admission]
108					Unredacted copy of Initial Expert Report of Dr. Kevin Almeroth re infringement of U.S. Patent Nos. 6,712,702 and 6,183,366 dated September 1, 2010				Relevance 402/ Prejudice 403 [Google may use for impeachment; agrees to approach Bench prior to seeking admission]
109					Unredacted copy of Supplemental Expert Report of Dr. Kevin Almeroth re Infringement by The New York Times of U.S. Patent Nos. 6,712,702 and 6,183,366 dated October 25, 2010				Relevance 402/ Prejudice 403 [Google may use for impeachment; agrees to approach Bench prior to seeking admission]

110				Complaint for Patent Infringement, Beneficial v. Blockdot (2:07-CV-00263)		Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
111				First Amended Complaint for Patent Infringement, Beneficial v. Blockdot (2:07-CV-00263)		Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
112				Second Amended Complaint for Patent Infringement, Beneficial v. Blockdot (2:07-CV-00263)		Relevance 402/ Prejudice 403 [ruling under submission before Judge Payne]
113				DoubleClick Enterprise- Overview of ad serving models	EXPE017880-17882 (Michelson Depo. Ex. 68)	
114				DoubleClick Enterprise- Administrator Guide	EXPE003028- EXPE003122 (Michelson Depo. Ex. 70)	
115				DART for Publishers Webmaster's Guide	AM00915- AM01029 (Bowen Depo Ex. 82)	